

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 19510 of 2005(V)

PETITIONERS:

1. RAJENDRAN NAIR,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.
2. K.KARUNAKARAN NAIR,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.
3. P.T.PRABHAKARAN NAIR,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.
4. JUSTIN PAUL,
PHARMACIST, GENERAL HOSPITAL, TRIVANDRUM.
5. SUJATHA Y., D/O. YASHODA,
PHARMACIST ASSISTANT, GENERAL HOSPITAL, TRIVANDRUM
6. G.CHANDRAN BABU,
PHARMACIST ASSISTANT, GENERAL HOSPITAL, TRIVANDRUM.
7. SYAMALA D., D/O.DAKSHAYANI AMMA,
DOOR MATRY, GENERAL HOSPITAL, TRIVANDRUM.
8. YESODHA A., D/O. AMMA KUTTY,
PHARMACIST ASSISTANT, GENERAL HOSPITAL, TRIVANDRUM
9. MOHANA KUMAR S.,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.
10. JAYAMOHANAN T.,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.
11. C.MOHANAN,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.
12. B.SREEDEVI,
TELEPHONE OPERATOR, GENERAL HOSPITAL, TRIVANDRUM.
13. O.PREETHA KUMARI,
TELEPHONE OPERATOR, GENERAL HOSPITAL, TRIVANDRUM.

14. K.P. VENUGOPALAN NAIR,
S/O. PADMANABHA PILLAI, SECURITY GUARD,
GENERAL HOSPITAL, TRIVANDRUM.

15. K.PUSHPAKARAN,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.

16. G.THANKAN, S/O.GOPINATHA PANICKER,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.

17. JALAJA KUMARY,
JR.LAB ASSISTANT, GENERAL HOSPITAL, TRIVANDRUM.

18. JAYAKUMARAN NAIR,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.

19. S.SRILEENJ LOPEZ,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.

20. S.MOHANAN NAIR,
SECURITY GUARD, GENERAL HOSPITAL, TRIVANDRUM.

21. SINDHU R.S.,
E.C.G. TECHNICIAN, GENERAL HOSPITAL, TRIVANDRUM.

22. ARUN A.P.,
E.C.G. TECHNICIAN, GENERAL HOSPITAL, TRIVANDRUM.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

1. DISTRICT COLLECTOR, TRIVANDRUM.

2. THE SUPERINTENDENT,
GOVERNMENT GENERAL HOSPITAL, TRIVANDRUM.

3. THE SECRETARY,
HOSPITAL DEVELOPMENT COMMITTEE,
GOVERNMENT GENERAL HOSPITAL, TRIVANDRUM.

4. STATE OF KERALA,
REP. BY ITS SECRETARY, FAMILY AND
HEALTH DEPARTMENT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONERS' EXTS:

EXT.P1(a) A copy of the appointment order No.HDC 5932/98/GH dated 31.8.2001 of the 1st petitioner.

Ext.P1(b) A copy of the appointment order No.HDC 5932/99/GHT dated 22.12.1999 of the 2nd petitioner.

Ext.P1(c) A copy of the appointment order No.HDC.5932/99/GH dated 20.12.1999 of the 3rd petitioner.

Ext.P1(d) A copy of the appointment order No.HDC-1817/98/GH dated 26.6.1999 of the 4th petitioner.

Ext.P1(e) A copy of the appointment order No.HDC – 1817/98/GH dt. 6.8.1999 of the 5th petitioner.

Ext.P1(f) A copy of the appointment order No.HDC – 1817/98/GH dt. 21.12.1998 of the 6th petitioner.

Ext.P1(g) A copy of the appointment order No.HDC – 6762(A)/GH dt. 20.12.1997 of the 7th petitioner.

Ext.P1(h) A copy of the appointment order No.HDC – 1817/98/GH dated 6.8.1999 of the 8th petitioner.

Ext.P1(i) A copy of the appointment order No.HDC – 8705/95/GH/TVPM dated 23.9.1996 of the 9th petitioner.

Ext.P1(j) A copy of the appointment order No.HDC – 8705/95/GH dt. 23.12.1996 of the 10th petitioner.

Ext.P1(k) A copy of the appointment order No.6509/97/GH/HDC dt. 1.8.1997 of the 11th petitioner.

Ext.P1(l) A copy of the appointment order No.HDC 8705(1)/96/GH/TVPM dt. 8.1996 of the 12th petitioner.

Ext.P1(m) A copy of the appointment order No.HDC 8705(1)/96/GH/TVPM dt. 24.7.1996 of the 13th petitioner.

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Ext.P1(n) A copy of the appointment order No.HDC-8705/95/GH/TVPM Dt.23.12.1996 of the 14th petitioner.

Ext.P1(o) A copy of the appointment order No.HDC/2192/97/GH/TVPM/ dt. 3.4.1997 of the 15th petitioner.

Ext.P1(p) A copy of the appointment order No.HDC 4354/04/GHT dt 23.4.2005 of the 17th petitioner.

Ext.P1(q) A copy of the appointment order No.HDC 4354/2004/GHT dt. 29.9.2004 of the 18th petitioner.

Ext.P1(r) A copy of the appointment order No.HDC 4354/2004/GHT dt. 29.9.2004 of the 19th petitioner.

Ext.P1(s) A copy of the appointment order No.HDC – 3753/2001/GH/Tvm. Dated 12.12.2002 of the 20th petitioner.

Ext.P1(t) A copy of the appointment order No.HDC-7041/2001/GHT dt. 2.2.2002 of the 21st petitioner.

Ext.P1(u) A copy of the appointment order No.HDC-3753/99 dt. 13.8.2002 of the 22nd petitioner.

Ext.P2 A copy of the circular No.92694/M3/99 dated 4.9.1999 of the respondent.

Ext.P3 A copy of the judgment in o.P.No.13303/2001 dated 31.10.2001.

Antony Dominic, J.

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W.P(C).No.19510 of 2005

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Dated this the 7th day of August, 2007.

JUDGMENT

Petitioners are employees engaged by the Hospital Development Committee, the third respondent herein. This Court has already disposed of several Writ Petitions, raising identical claim against the concerned Hospital Development Committees. This Court has ordered that petitioners in those cases may be retained in service subject to the existing conditions of employment, till their age of superannuation, subject to the further stipulation that total expense for the salary of the persons employed including the petitioners herein does not exceed 50% of the income of Committee. The age of superannuation of ex-service security men will be 60 and that of the others will be 55. The petitioners therein were directed to give an undertaking to the effect that they will not claim regularisation in service for retaining them as above. It is ordered that the aforementioned conditions subject to which this Court has already disposed of

other Writ Petitions will govern the petitioners herein also. They shall be retained in service subject to those conditions. It is clarified that the disciplinary powers of the competent authority are in no way affected by this judgment.

Writ Petition is disposed of as above.

Antony Dominic,
Judge.